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09/292,275	04/15/1999	ROY J. MANKOVITZ	68109-57	3332
22504 7590 10/17/2007 DAVIS WRIGHT TREMAINE, LLP 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045			EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/292,275	<b>Applicant(s)</b> MANKOVITZ, ROY J.	
	<b>Examiner</b> Dominic D. Saltarelli	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 78-82, 92-110, 117-137, 160 and 161 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 78-82, 92-110, 117-137, 160 and 161 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 93 is objected to because of the following informalities: On line 4, the "data" should be changed to --date--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 78-82, 92, 93, 95, 96, 102-104, 106-110, 117-122, 124-131, 133-137, 160, and 161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (5,438,355) in view of Kiefl (5,382,970) and Goldstein (5,410,326).

Regarding claim 78, Palmer discloses a method of obtaining supplemental information about a TV broadcast through a remote database, comprising the steps of:

activating a user control in response to a TV broadcast, thereby storing information indicative of the broadcast in memory (col. 3 line 63 - col. 4 line 9);

establishing a connection to the remote database through a communications interface (col. 3 line 63 - col. 4 line 9);

transferring the information indicative of the broadcast stored in the memory to the remote database (col. 3 line 63 - col. 4 line 9);

correlating the information indicative of the broadcast to the broadcast to identify supplemental information associated with the broadcast (col. 4, lines 10-37); and

providing the supplemental information to the user (col. 4, lines 10-37).

Palmer fails to disclose providing a portable, hand-held electronic device which includes the user control, memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the broadcast includes time-of-day information from the clock.

In an analogous art, Kiefl discloses a portable, hand-held electronic device (fig. 1, personal data meter, col. 9, lines 27-35) which includes a memory (fig. 2, memory 28), communications interface (fig. 2, phone control, modem, and cellular phone 31 and 32), and a clock outputting time-of-day information (fig. 2, clock 26), that is used to report back time-of-day information indicating what programming a viewer has watched (col. 6, lines 38-51). This provides a reporting device which has the benefit of being portable and usable with any television (or radio, see col. 8 line 54 - col. 9 line 4) source, requiring no physical connection to the television or other special equipment (col. 3, lines 19-36 and col. 9, lines 28-35).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Palmer to include a portable, hand-held electronic device which includes the memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the

broadcast includes time-of-day information from the clock, as taught by Kiefl, for the benefit of utilizing a stand alone device which is portable and not limited to use with any one particular television and requires no additional or special equipment to function.

Palmer and Kiefl fail to disclose the portable, hand-held electronic device also includes the user control.

In an analogous art, Goldstein discloses a portable hand-held electronic device which includes a user control (fig. 1, remote control 5). Said portable hand-held electronic device which not only controls diverse electronic devices but also reports back customer interest regarding advertisements and interactive features (col. 27 line 18 - col. 28 line 55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Palmer and Kiefl to include a user control on the portable hand-held electronic device, as taught by Goldstein, for the benefit of increasing the usefulness of said device through the addition of user control functionality (channel and volume change, interactive features, etc...).

Regarding claim 79, Palmer, Kiefl, and Goldstein disclose the method of claim 78, wherein the broadcast includes a radio (Kiefl, col. 8 line 54 - col. 9 line 4 and Goldstein, col. 27, lines 41-52) or TV broadcast (Palmer, col. 2 line 59 - col. 3 line 4, Kiefl, col. 5, lines 11-32, and Goldstein, col. 27, lines 41-52), and the

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supplemental information is associated with the program (Palmer, col. 3 line 63 - col. 4 line 37).

Regarding claim 80, Palmer, Kiefl, and Goldstein disclose the method of claim 79, wherein the program includes a musical selection, and the supplemental information is associated with the musical selection (in the instance of radio programming, Goldstein, col. 27, lines 41-52).

Regarding claim 81, Palmer, Kiefl, and Goldstein disclose the method of claim 78, wherein the broadcast includes a radio or TV advertisement (Goldstein, col. 27, lines 41-52), and the supplement information is associated with the advertisement (Palmer, col. 4 line 65 - col. 5 line 3).

Regarding claim 82, Palmer, Kiefl, and Goldstein disclose the method of claim 78, but fail to disclose the user control is a pushbutton.

However, Palmer and Kiefl both show that it was known and common practice at the time to include push buttons on remote control devices (Palmer, col. 3 line 63 - col. 4 line 2, shown as 'response buttons 56' in fig. 2 and Kiefl, col. 5, lines 11-32, fig. 1, push buttons. 11). The user control of Goldstein is disclosed as a touch screen, however touch screens are much more vulnerable to technical errors, and thus it would have been obvious at the time to include at least one

pushbutton on the user control in addition to the touch screen to provide a means for user input that is more reliable should the touch screen lose function.

Regarding claims 92 and 117, Palmer discloses a system (and corresponding method) for providing supplemental information to a user about a TV broadcast, comprising:

- a database for storing supplemental information about a TV broadcast (fig. 1, database 20, col. 2, lines 45-58 and col. 4, lines 10-37);

- a memory which stores information indicative of the broadcast in memory in response to activation of a user control (col. 3 line 63 - col. 4 line 9);

- a communications interface which establishes a connection to the remote database (col. 3 line 63 - col. 4 line 9);

- wherein the information indicative of the broadcast is communicated from the memory to the remote database as a user require for supplemental information so that the supplemental information associated with the broadcast may be identified and provided to the user (col. 4, lines 10-37).

Palmer fails to disclose a user-operable device located remotely from the database which includes the user control, memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the broadcast includes time-of-day information from the clock, and thus the database stores the supplemental information as a function of the time-of-day.

In an analogous art, Kiefl discloses a user operable device (fig. 1, personal data meter, col. 9, lines 27-35) which includes a memory (fig. 2, memory 28), communications interface (fig. 2, phone control, modem, and cellular phone 31 and 32), and a clock outputting time-of-day information (fig. 2, clock 26), that is used to report back time-of-day information indicating what programming a viewer has watched (col. 6, lines 38-51). This provides a reporting device which has the benefit of being portable and usable with any television (or radio, see col. 8 line 54 - col. 9 line 4) source, requiring no physical connection to the television or other special equipment (col. 3, lines 19-36 and col. 9, lines 28-35).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer to include a user-operable device which includes the memory, communications interface, and a clock outputting time-of-day information, wherein the information indicative of the broadcast includes time-of-day information from the clock, as taught by Kiefl, for the benefit of utilizing a stand alone device which is portable and not limited to use with any one particular television and requires no additional or special equipment to function. Because the information being reported by the device includes time-of-day information, the remote database stores the supplement content as a function of the time-of-day, since the coded information sent upstream is what the database utilizes to locate desired supplemental content (Palmer, col. 3 line 63 - col. 4 line 18).



Palmer and Kiefl fail to disclose the user-operable device also includes the user control.

In an analogous art, Goldstein discloses a user-operable device which includes a user control (fig. 1, remote control 5). Said portable hand-held electronic device which not only controls diverse electronic devices but also reports back customer interest regarding advertisements and interactive features (col. 27 line 18 - col. 28 line 55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer and Kiefl to include the user control on the user-operable device, as taught by Goldstein, for the benefit of increasing the usefulness of said device through the addition of user control functionality (channel and volume change, interactive features, etc...).

Regarding claim 93, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the database stores supplemental information about a TV broadcast as a function of the time of day (as described above), the clock in the user operable device outputs time information (Kiefl, col. 6, lines 38-43), and the time is communicated to the database to identify the supplemental information to be provided to the user (Kiefl teaches reporting channels watched and at what times the channels were watched, col. 6, lines 38-64, and Palmer teaches using reported information regarding viewed programming to locate supplemental content of interest, col. 4, lines 10-38).

Palmer, Kiefl, and Goldstein fail to disclose including date information as well.

Examiner takes official notice that indexing content according to date as well as time of day is notoriously well known in the art, as indexing according to date provides for much larger databases to be used than one in which only the content of a single day is stored.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include date information as well, for the benefit of allowing the database which stores the supplemental content to span several days worth of content.

Regarding claim 95, Palmer, Kiefl, and Goldstein disclose the system of claim 92, but fail to disclose the memory is removable from the remainder of the user-operable device for transport to a different location for communication the time-of-day information to the database.

Examiner takes official notice that the use of removable memory devices is notoriously well known in the art. Sharing or uploading information stored in a removable memory device simplifies a user-operable device by removing the need for a communication module. Often, the device used to transmit the information found in removable memory modules is a home computer, which often are equipped with data modems for network communications and a compatible data interface for receiving the memory module.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include the memory is removable from the remainder of the user-operable device for transport to a different location for communication the time-of-day information to the database, simplifying the user-operable device by removing the need for a communication module.

Regarding claim 96, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the user-operable device forms part of a telephone (Kiefl, fig. 2, cellular phone 31).

Regarding claim 102, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the communications interface includes a wireless connection to a telephone network (Kiefl, fig. 2, cellular phone 31), and the user-operable device is a handheld, portable, self-powered device (Kiefl, col. 9, lines 28-35).

Regarding claim 103, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the database further includes means for storing information communicated from the user, and the controller performs the additional functions of storing information identifying the user and communicating the user identification information to the database where it is stored along with the user

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request for supplemental information (Palmer, col. 4, lines 10-37, specifically lines 31-37).

Regarding claim 104, Palmer, Kiefl, and Goldstein disclose the system of claim 103, further including data processor means for analyzing user data stored in the database to determine a number of user requests for particular supplemental information (Palmer, col. 4, lines 31-37).

Regarding claim 106, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the user-operable device includes a display, and the controller performs the user-controlled function of recalling from memory the data stored in it, and displaying, sorting, and selecting the data (user interactions with the user-operable device is performed through interacting with the displayed menus and graphics shown in the display, as shown in figs. 2A-9 in Goldstein, see for example, col. 10 line 35 - col. 11 line 26).

Regarding claim 107, Palmer, Kiefl, and Goldstein disclose the system of claim 92, but fail to disclose data processor means for erasing from the memory stored data in response to a request from the user or from the database.

Examiner takes official notice that means for erasing stored data from memory is notoriously well known in the art, as there are many reasons erasing stored data from memory, first and foremost is the need to free memory space in

order to make room for new data. Providing a user with manual means for erasing data allows a user the freedom and flexibility in determining which data is no longer wanted, and automatic means for purging obsolete or expired data is also common.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Palmer, Kiefl, and Goldstein to include data processor means for erasing from the memory stored data in response to a request from the user or from the database, for the benefit of freeing memory space in order to make room for new data.

Regarding claim 108, Palmer, Kiefl, and Goldstein disclose the system of claim 92, but fail to disclose the database further includes a clock outputting the time-of-day, and the controller includes means for communicating the time-of-day information from the database clock to the user-operable device clock.

Examiner takes official notice that it is notoriously well known in the art to use master clocks outputting clock signals to coordinate remote clocks in order to synchronize the remote clocks with the master clock. This maintains a synchronized state between the remote clocks and the primary clock, which maintains accuracy between sites for such purposes as data and service coordination.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include in

the database a clock outputting the time-of-day, and the controller includes means for communicating the time-of-day information from the database clock to the user-operable device clock, providing the benefit of increased accuracy in reported information, as the time of day information output from each clock has been synchronized.

Regarding claim 109, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the supplemental information may include a copy of the broadcast itself (Palmer discloses the information provided includes details regarding advertised products or services and any other information an advertiser wishes to convey, col. 3, lines 25-32, therefore the supplemental information may include a copy of the broadcast itself), and may be in the form of text (a facsimile transmission).

Regarding claim 110, Palmer, Kiefl, and Goldstein disclose the system of claim 92, wherein the supplemental information includes the price of a product or service, and may further include the availability of a product at a particular location (Palmer, col. 3, lines 25-32 and col. 4, lines 22-27).

Regarding claim 118, Palmer, Kiefl, and Goldstein disclose the method of claim 117, but fail to disclose the user control is a pushbutton.

However, Palmer and Kiefl both show that it was known and common practice at the time to include push buttons on remote control devices (Palmer, col. 3 line 63 - col. 4 line 2, shown as 'response buttons 56' in fig. 2 and Kiefl, col. 5, lines 11-32, fig. 1, push buttons 11). The user control of Goldstein is disclosed as a touch screen, however touch screens are much more vulnerable to technical errors, and thus it would have been obvious at the time to include at least one pushbutton on the user control in addition to the touch screen to provide a means for user input that is more reliable should the touch screen lose function.

Regarding claims 119 and 120, Palmer, Kiefl, and Goldstein disclose the method of claim 118, wherein the broadcast includes a radio (Kiefl, col. 8 line 54 - col. 9 line 4 and Goldstein, col. 27, lines 41-52) or TV broadcast [advertisement] (Palmer, col. 2 line 59 - col. 3 line 4, Kiefl, col. 5, lines 11-32, and Goldstein, col. 27, lines 41-52), and the supplemental information is associated with the program [advertisement] (Palmer, col. 3 line 63 - col. 4 line 37).

Regarding claim 121, Palmer, Kiefl, and Goldstein disclose the method of claim 118, wherein the program includes a musical selection, and the supplemental information is associated with the musical selection (in the instance of radio programming, Goldstein, col. 27, lines 41-52).

Regarding claim 122, Palmer, Kiefl, and Goldstein disclose the method of claim 118, wherein the database stores supplemental information about a TV broadcast as a function of the time of day (as described above), the clock in the in the user operable device outputs time information (Kiefl, col. 6, lines 38-43), and the time is communicated to the database to identify the supplemental information to be provided to the user (Kiefl teaches reporting channels watched and at what times the channels were watched, col. 6, lines 38-64, and Palmer teaches using reported information regarding viewed programming to locate supplemental content of interest, col. 4, lines 10-38).

Palmer, Kiefl, and Goldstein fail to disclose including date information as well.

Examiner takes official notice that indexing content according to date as well as time of day is notoriously well known in the art, as indexing according to date provides for much larger databases to be used than one in which only the content of a single day is stored.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Palmer, Kiefl, and Goldstein to include date information as well, for the benefit of allowing the database which stores the supplemental content to span several days worth of content.

Regarding claim 124, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the step of providing the supplemental information to the user



includes providing the information in print form (Palmer teaches sending facsimile transmissions for supplemental information, col. 4, lines 10-37).

Regarding claims 125 and 129, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the step of establishing a connection the remote database through the communications interface includes establishing a [wireless] telephone connection (Kiefl, fig. 2, cellular phone 31).

Regarding claim 126, Palmer, Kiefl, and Goldstein disclose the method of claim 125, wherein the step of providing the supplemental information to the electronic device includes providing the information through the telephone connection (Palmer teaches sending facsimile transmissions for supplemental information, col. 4, lines 10-37).

Regarding claim 127, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the auxiliary information is in the form of text information (Palmer teaches sending facsimile transmissions for supplemental information, col. 4, lines 10-37), the electronic device further includes a display (Goldstein, fig. 1, the display on device 5), and means for reproducing audio (Goldstein, fig. 10, speaker 39) or video (Goldstein, fig. 10, LCD 10) information, and the step of providing the supplemental information to the user includes the step of displaying the text information (on the display 10).

Regarding claim 128, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the memory in the electronic device is also used to store the supplemental information (Goldstein, fig. 10, memory 90, which stores downloaded content related to programming, col. 12, lines 44-47, such as advertisement content, see figs. 6-9).

Regarding claims 130 and 160, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the database further includes means for storing information communicated from the user, further including the steps of storing information identifying the user and communicating the user identification information to the database where it is stored along with the user request for supplemental information and using it to provide the user with the supplemental information (Palmer, col. 4, lines 10-37, specifically lines 31-37).

Regarding claims 131 and 161, Palmer, Kiefl, and Goldstein disclose the method of claims 130 and 160, further including data processor means for analyzing user data stored in the database to determine a number of user requests for particular supplemental information (Palmer, col. 4, lines 31-37).

Regarding claim 133, Palmer, Kiefl, and Goldstein disclose the system of claim 117, wherein the user-operable device includes a display, and including the

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steps of recalling from memory the data stored in it, and displaying, sorting, and selecting the data (user interactions with the user-operable device is performed through interacting with the displayed menus and graphics shown in the display, as shown in figs. 2A-9 in Goldstein, see for example, col. 10 line 35 - col. 11 line 26).

Regarding claim 134, Palmer, Kiefl, and Goldstein disclose the method of claim 117, but fail to disclose data processor means for erasing from the memory stored data in response to a request from the user or from the database.

Examiner takes official notice that means for erasing stored data from memory is notoriously well known in the art, as there are many reasons erasing stored data from memory, first and foremost is the need to free memory space in order to make room for new data. Providing a user with manual means for erasing data allows a user the freedom and flexibility in determining which data is no longer wanted, and automatic means for purging obsolete or expired data is also common.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Palmer, Kiefl, and Goldstein to include data processor means for erasing from the memory stored data in response to a request from the user or from the database, for the benefit of freeing memory space in order to make room for new data.

Regarding claim 135, Palmer, Kiefl, and Goldstein disclose the method of claim 117, but fail to disclose the database further includes a clock outputting the time-of-day, and the controller includes means for communicating the time-of-day information from the database clock to the user-operable device clock.

Examiner takes official notice that it is notoriously well known in the art to use master clocks outputting clock signals to coordinate remote clocks in order to synchronize the remote clocks with the master clock. This maintains a synchronized state between the remote clocks and the primary clock, which maintains accuracy between sites for such purposes as data and service coordination.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Palmer, Kiefl, and Goldstein to include in the database a clock outputting the time-of-day, and the controller includes means for communicating the time-of-day information from the database clock to the user-operable device clock, providing the benefit of increased accuracy in reported information, as the time of day information output from each clock has been synchronized.

Regarding claim 136, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the supplemental information may include a copy of the broadcast itself (Palmer discloses the information provided includes details regarding advertised products or services and any other information an

advertiser wishes to convey, col. 3, lines 25-32, therefore the supplemental information may include a copy of the broadcast itself), and may be in the form of text (a facsimile transmission).

Regarding claim 137, Palmer, Kiefl, and Goldstein disclose the method of claim 117, wherein the supplemental information includes the price of a product or service, and may further include the availability of a product at a particular location (Palmer, col. 3, lines 25-32 and col. 4, lines 22-27).

4. Claims 94, 105, 123, and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, Kiefl, and Goldstein, as applied to claims 92 and 118 above, and further in view of Welsh et al. (4,955,070) [Welsh].

Regarding claims 94 and 123, Palmer, Kiefl, and Goldstein disclose the system and method of claims 92 and 118, but fail to disclose the database stores supplemental information about a radio or TV broadcast also as a function of station identification, the user-operable device further includes a broadcast station tuner for deriving station identification, and the station identification information is communicated to the database along with the time of day to identify the supplemental information to be provided to the user.

In an analogous art, Welsh discloses a user-operable device which includes a broadcast station tuner for deriving station identification information (fig. 1, tuner circuit 16, col. 3, lines 60-66) which is reported back to a central

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database (col. 2, lines 3-23), for the benefit of automatic monitoring of broadcast content (the user is not required to input the station or time manually, col. 1, lines 44-59).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include a broadcast station tuner for deriving station identification, and the station identification information is communicated to the database (along with the time of day), as taught by Welsh, for the benefit of automatic monitoring of broadcast content, negating the need for a user to manually input station identification information to the user-operable device. The database stores supplemental information about a radio or TV broadcast also as a function of station identification as a matter of necessity, because the time alone is insufficient to determine what a user is watching in order to retrieve the desired supplemental content.

Regarding claims 105 and 132, Palmer, Kiefl, Goldstein, and Welsh disclose the system and method of claims 94 and 123, wherein the station identification includes indicia representing the station call letters (of radio stations, Kiefl, col. 8 line 66 - col. 9 line 2).

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5. Claims 97-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer, Kiefl, and Goldstein as applied to claim 92 above, and further in view of Atcheson et al. (5,583,763) [Atcheson].

Regarding claim 97, Palmer, Keifl, and Goldstein disclose the system of claim 92, but fail to disclose a database remote from the user for storing a plurality of musical selections, and wherein the supplemental information relates to at least some of the selections.

In an analogous art, Atcheson discloses a database remote from a user for storing a plurality of musical selections which are requested and downloaded by a user (col. 3, lines 24-63), providing the benefit of a music download service which allows users to select specifically which musical selections they wish to hear.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, and Goldstein to include a database remote from the user for storing a plurality of musical selections, as taught by Atcheson, for the benefit of providing a music download service which allows users to select specifically which musical selections they wish to hear (a service which may be ordered by a user, Goldstein, col. 33, lines 58-68). The supplemental information relates to at least some of the selections because the supplemental information relates to content which is viewed or listened to by viewers, which includes the musical selections in the remote database.

Regarding claim 98, Palmer, Kiefl, Goldstein, and Atcheson disclose the system of claim 97, wherein the user-operable device includes a display (Goldstein, fig. 1) and means for playing a musical selection (Goldstein, fig. 10, 'sound generator'); and the controller is further operative to cause the downloading of a musical selection from the database to the user-operable device enabling the user to listen to the downloaded musical selection (Atcheson, col. 3, lines 51-63) and view the auxiliary information about the selection on the display (a 'service ordered by the user' which is ordered over and displayed on the user-operable device, Goldstein, col. 33, lines 58-68).

Regarding claim 99, Palmer, Kiefl, Goldstein, and Atcheson disclose the system of claim 98, but fail to disclose the supplemental information includes the name of the musical selection and the one or more performers of the selection.

Examiner takes official notice that it is notoriously well known in the art to provide the name and performers of a musical selection, as users often wish to know what the name of a song and who performs it when listening.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Palmer, Kiefl, Goldstein, and Atcheson to include the name of the musical selection and the one or more performers of the selection in the supplemental information, as this is the sort of information most often desired a by users who listen to musical selections.



Regarding claims 100 and 101, Palmer, Kiefl, Goldstein, and Atcheson disclose the system of claim 98, wherein the user-operable device further includes a memory for storing the musical selections and the auxiliary information (illustrated in Kiefl, fig. 2, memory 28 and Goldstein, fig. 10, RAM 90).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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